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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,827	01/18/2002	Jack H. Chang	CCI-005	9620
22504	7590	04/11/2006	EXAMINER	
DAVIS WRIGHT TREMAINE, LLP 2600 CENTURY SQUARE 1501 FOURTH AVENUE SEATTLE, WA 98101-1688			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,827

Applicant(s)

CHANG ET AL.

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10,39-41 and 62-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-10,39-41 and 62-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Amended claims 8-10,39-41 and 62-71 and new claims 72-95 are pending.

Response to Arguments

2. Applicant's arguments filed 3/08/06 with respect to claims 8-10,39-41,62-71 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8-10,39-41 and 62-95 are rejected under 35 U.S.C. 102(e) as being anticipated by Garson [5,689,550].

3. As per claim 39, Garson discloses A system for maintaining a messaging network having at least one messaging platform [Garson, voice message, abstract], the system comprising:

a master platform having a master global routing table configurable to store a messaging platform entry for each messaging platform on the messaging network [Garson, mainframe with database, Identifier server with database, col 10 lines 40-64];

a global routing table for at least one messaging platform wherein said global routing table holds a messaging platform entry for each messaging platform on the messaging network [Garson, routing table, col 4 lines 46-col 5 line 8;

wherein said master platform is configured to respond to each messaging platform on the messaging network that sends a response message to said master platform [Garson, master network database, col 11 lines 1-20], said response message sent by each messaging platform at a selected interval which is defined in the messaging platform entry corresponding to each messaging platform [Garson, predefined time interval, col 7 lines 35-52];

query message to a messaging platform on the messaging network that fails to send a response message to the master platform within said selected interval [Garson, queuing, updating status and error log, col 9 lines 24-36];

wherein said master platform is further configured to update an operational status of said selected messaging platform entry to a disabled status [Garson, predefined time interval is expired, col 10 lines 1-5; update queue, col 17 lines 10-16], said messaging platform entry corresponding to said selected messaging platform in said master global routing table and said global routing table of at least one messaging platform on the messaging network, if said selected messaging platform fails to respond to said query message [Garson, voice server, email server, fax server, col 7 lines 1-5, translating first protocol to second protocol, col 1 lines 55-67]; and

wherein a sending messaging platform on the network is configured to check said operational status of a remote messaging platform to determine whether said sending messaging platform may send a user message using the messaging network to said remote messaging platform for delivery to an area of operation supported by said remote messaging platform [Garson, forward and update queue, col 17 lines 10-16].

4. As per claim 63, Garson discloses the predetermined interval is defined in the messaging device data entry corresponding to each of the plurality of messaging devices [Garson, voice server, email server, fax server, col 7 lines 1-5].

5. As per claim 64, Garson discloses a first messaging device on the network is configured to check the operational status of a second messaging device to determine whether the first messaging device may send a user message using the messaging network to the second messaging device [Garson, date, time and status, col 8 line 35].

6. As per claim 65, Garson discloses an operational area data entry for each of the plurality of messaging devices in the master global routing data structure [Garson, master network database, col 11 lines 1-20, SNMP, col 11 lines 3].

7. As per claim 66, Garson discloses a first messaging device on the network is configured to check the operational area of a second messaging device to determine whether the first messaging device may send a user message using the messaging network to the second messaging device for to delivery to an area of operation supported by the second messaging device [Garson, voice server, email server, fax server, col 7 lines 1-5].

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8. As per claim 67, Garson discloses a global routing data structure associated with each of the plurality of messaging devices, the global routing data structure having a messaging device data entry for each of the plurality of messaging devices on the messaging network, each messaging device data entry comprising a host ID, and an operational status [Garson, node ID, col 5 lines 40-53].

9. As per claim 68, Garson discloses the master device is further configured to update the operational status of messaging device data entries of the global routing data structure associated with each of the plurality of messaging devices [Garson, forward and update queue, col 17 lines 10-16].

10. As per claim 69, Garson discloses the master device alters the operational status of a messaging device data entry for a predetermined one of the plurality of messaging devices in the global routing data structure associated with each of the plurality of messaging devices to a disabled status if the predetermined messaging device fails to respond to the second message type [Garson, message type, col 8 line 25].

11. Claims 8,62 contain the similar limitations set forth in the apparatus claim 39. Therefore claims 8, 62 are rejected for the same rationale set forth in claim 39.

12. Claims 72-95 contain the similar limitations set forth in claims 8-10,39-41.

Therefore claims 72-95 are rejected for the same rationale set forth in claims 8-10,39-41.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 9-10; 40-41,70-71 are rejected under 35 U.S.C. § 103 as being unpatentable over Garson, [6,311,214 B1] in view of Bohm et al [5,982,780].

14. As per claim 40, Garson discloses said master platform [Garson, mainframe with database, Identifier server with database, col 10 lines 40-64]

However Garson does not explicitly detail "said master platform being configurable to debit a debit amount from a token pool of an originating messaging platform that requests delivery of a user message at an area of operation supported by a remote messaging platform; said master platform increments a credit amount to a token pool of said remote messaging platform in response to the delivery of said user message within said area of operation by said remote messaging platform" and "said messaging platform entry comprises a token pool of each messaging platform, said token pool of each messaging platform having an initial amount of tokens"

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It was well-known in the messaging system art that the status message included a token pool as taught by Bohm [Bohm, status messages and a token pool, col 14 lines 18-22; col 19 lines 3-12];

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of using a token pool as a portion of the network message information as taught by Bohm into the Garson's apparatus in order to utilize the status information. Doing so would provide a security and reliable to control the messaging distribution over a global network.

15. As per claim 41, Garson-Bohm disclose said master platform updates a messaging platform profile of a messaging platform to have a disabled operation status in response to said messaging platform having a token pool amount that falls below a selected threshold [Bohm, status messages and a token pool, col 14 lines 18-22; col 19 lines 3-12].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142

